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November 16, 1984

BY HAND

Honorable Robert W. Sweet
United States District Judge
United States District Court
Southern District of New York
Foley Square
New York, New York 10007

Re: Universal City Studios, Inc. v.
Nintendo Co. Ltd. and Nintendo of
America, Inc., 82 Civ. 4259 (RWS)

Dear Judge Sweet:

I am writing on behalf of plaintiff Universal City Studios, Inc. to request permission to move for summary judgment with respect to defendants' counterclaims.

Defendants have raised five counterclaims, alleging contributory copyright infringement by Universal, tortious interference with business relations and potential business relations and misappropriation. Given this Court's and the Court of Appeals' rulings on plaintiff's claims, which are equally applicable here, and the facts disclosed in discovery, it is our opinion that all of defendants' counts can be disposed of by summary judgment.

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Discovery on the counterclaims has just been completed, and under our present schedule the parties are to submit pretrial papers to you on November 28. While we are prepared to proceed with the existing schedule, we feel that proceeding by way of a summary judgment motion may obviate the need for a trial, and would, at the very least, narrow the issues necessary to be tried.

We propose the following briefing schedule, which, we appreciate, is subject to the schedules of your Honor and defendants' counsel.

December 17, 1984: plaintiff's motion papers due;
January 17, 1985: defendants' answering papers due;
January 31, 1985: plaintiff's reply papers due; and
Oral argument to be scheduled thereafter at the convenience of the Court.

Thank you for consideration of our request.

Very truly yours,

Douglas C. Fairhurst

DCF:dm

cc: John J. Kirby, Jr.

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